

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES VAUGHN,

Plaintiff,

v.

WARDEN JENNIFER NASH, et al.,

Defendants.

Case No. 2:15-cv-02137-APG-PAL

ORDER

(IFP App. – ECF No. 7;
Mots. Screening Order – ECF Nos. 3, 10)

This matter is before the court on Plaintiff James Vaughn’s Application to Proceed *In Forma Pauperis* (ECF No. 7) and Motions for Screening Order (ECF Nos. 3, 10). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice.

Mr. Vaughn is proceeding in this matter *pro se*, which means that he is not represented by attorney. *See* LSR 2-1. At the time the complaint was filed, Vaughn was prisoner in the custody of the Nevada Department of Corrections. He has since been released from custody. Plaintiff initially requested permission to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915 and LSR 1-1 of the Local Rules of Practice. *See* IFP Application (ECF No. 7). However, he subsequently paid the \$400 filing fee. *See* Receipt (ECF No. 8). The IFP Application is now moot and will be denied as such.

Mr. Vaughn’s Motions (ECF Nos. 3, 10) contain duplicate requests for relief asking the court to conduct a preliminary screening of his case. He correctly asserts that the court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. *See* 28 U.S.C. § 1915A(a). Based on the plain language of the statute, no formal motion is necessary to prompt a screening. The court will therefore deny the motions.

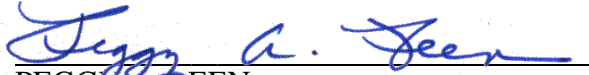
1 Due to the large number of civil actions pending before the court, the screening process
2 may take many months. It is difficult and time-consuming work for the court to produce a
3 screening order that decides whether the complaint states a claim, and if not, providing guidance
4 to enable a pro se party to cure any noted defects and give an opportunity to file an amended
5 complaint. The court has hundreds of active cases. Criminal cases have priority and, in the
6 absence of a true emergency,¹ all motions filed in civil cases are processed in the order in which
7 they are filed. Thus, filing a motion for a screening order does not expedite the process.
8 Additionally, filing a duplicate motion will not speed up the court's review. The court will
9 evaluate Mr. Vaughn's complaint in a separate screening order.

10 Accordingly,

11 **IT IS ORDERED:**

- 12 1. Plaintiff James Vaughn's Application to Proceed *In Forma Pauperis* (ECF No. 7) is
13 DENIED as moot.
14 2. Plaintiff James Vaughn's Motions for Screening Order (ECF Nos. 3, 10) is DENIED.

15 Dated this 29th day of August, 2016.

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18 PEGGY A. LEEN
19 UNITED STATES MAGISTRATE JUDGE
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27 ¹ LR 7-4 of the Local Rules of Practice discusses the requirements for submitting emergency motions and
28 notes that such motions "should be rare." See also *Cardoza v. Bloomin' Brands, Inc.*, 141 F. Supp. 1137,
1144-45 (D. Nev. 2015).